

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prisons - Grant of Special Remission to the life convict prisoner Sri Parimi Subba Rao, C.T.No.362, Central Prison, Nellore - [Recommendation of the Standing Committee – Approved](#) – Special Remission - Granted - Orders – Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.MS.No. 60

Dated: 17-05-2018.

Read the following:-

1. G.O.Ms.No.220,Home(Paroles)Department,dated:28.09.2013
2. G.O.Ms.No.286, Home (Paroles) Department, dated: 21.12.2013
3. From the Assistant Registrar, Hon'ble High Court Judicature at Hyd., for the State of Telangana and the State of Andhra Pradesh, Writ Petition No. 2641/2014.
4. From the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, Lr.No.Rc-2/12/2017, dated: 31.08.2017.
5. From the Assistant Registrar, Hon'ble High Court Judicature at Hyd., for the State of Telangana and the State of Andhra Pradesh, orders dated: 29-01-2018 in Writ Appeal No. 1887/2017 in W.P.No.2641/2014.
6. From the Deputy Registrar, Hon'ble High Court Judicature at Hyd., for the State of Telangana and the State of Andhra Pradesh, Contempt Case No. 2493/2017.
7. From the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, Lr.No.Rc-2/12/2017, dated: 20.02.2018.
8. From the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, Lr.No.Rc-2/12/2017, dated: 07.03.2018.
9. G.O.Ms.No.8, Home (Paroles & HRC) Department, Dated: 23-01-2018.

ORDER:-

In the reference 4th read above, the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada has informed that the Convict Prisoner No.362, Parimi Subba Rao S/o Subbarayudu who was sentenced to imprisonment for life and R.I. for 2 years U/s 148 IPC was admitted at Central Prison, Rajamahendravaram on 06-02-1993 and later he was transferred to Central Prison, Nellore on 17-08-2008. The Government have issued guidelines for grant of special remission to the eligible life convicted prisoners for their premature release during the years 2009 and 2013. The case of the said prisoner was not considered for premature release during the years 2009 and 2013 for the following reasons:-

S.No.	Guidelines for Premature Release	Reasons for not considering his release
1.	G.O.Ms.No.338,Home (Prisons.C) Department, Dated:24-07-2009	Due to barring clause 4(x) of the said G.O. that life convicted prisoners who have availed either parole/furlough during the preceding two years and not surrendered in time.
2.	G.O.Ms.No.220, Home (Parole) Department, Dated: 28-09-2013	Due to barring clause No.4(xv) of the said G.O.which states that, "Prisoners convicted of murder of public servants on duty"

2. Aggrieved by the above, Sri Parimi Subba Rao, S/o Subbarayudu, C.T.No.362, Central Prison, Nellore filed a Writ Petition No.13872/2016 before the Hon'ble High Court of Andhra Pradesh challenging the action of the Government. Accordingly, a Counter Affidavit was filed by the Superintendent, Central Prison, Nellore on the said Writ Petition.

(PTO)

3. In the reference 3rd read above, the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh among other things have observed that reasons given by the authorities concerned for rejecting the request of petitioner in granting remission in terms of G.O.Ms.No.220, Home (Paroles) Dept., dated: 28-09-2013 cannot be accepted and accordingly the Writ Petition is allowed.

4. Meanwhile, the Convict Prisoner Sri Parimi Subba Rao has filed Contempt case No.2493 of 2017 in W.P.No.2641/2014 in the reference 6th read above.

5. In the reference 5th read above, the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh has directed as follows:-

“We deem it appropriate, therefore, to direct the appellants to consider the respondent writ petitioner's request for grant of remission of the remaining portion of his sentence, in accordance with law without treating him as falling under Para-4 (xv) of G.O.Ms.No.220, Home (Paroles) Department, dated: 29-09-2013. Consideration of respondent writ petitioner's claim for remission shall be completed with utmost expedition and, in any event, within three (3) months from the date of receipt of the copy of this order.”

6. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada in the reference 7th read above, has stated that the case of the C.T.No.362, Parimi Subba Rao, S/o Subbarayudu needs to be placed before the Standing Committee constituted vide G.O.Ms.No.8, Home (Paroles) Dept, dt: 23-01-2018 for taking further action. The said prisoner has undergone actual sentence of (9) years (3) months and (22) days and total sentence of (11) years and (2) days including remand period as on cut-off date: 02-10-2013 fixed by the Government vide G.O.Ms 1st read above.

7. Accordingly, the case of Sri Parimi Subba Rao, C.T.No.362, Central Prison, Nellore was placed before the Standing Committee constituted vide G.O.Ms.No.8 Home (Paroles & HRC) Dept., Dated: 23-01-2018 which met on 06.03.2018 at 11.00 PM in the Chambers of the Principal Secretary to Government, Home Department. The Standing Committee in its meeting dated:06.03.2018, has examined the case of the said prisoner in terms of G.O.Ms.No.220,Home (Paroles) Department, dt: 28.09.2013, G.O.Ms.No.286, Home (Paroles) Department, dated: 21.12.2013 and the orders of the Hon'ble High Court ,sentence undergone by him and considering the fact the all other co-accused have already been released, recommended for pre-mature release of Sri Parimi Subba Rao, C.T.No.362, Central Prison, Nellore, duly imposing certain conditions on the prisoner at the time of premature release vide its minutes reference 8th read above.

8. Now, therefore, in exercise of powers conferred under Article 161 of the constitution of India and all other powers hereunto enabling, the Governor of Andhra Pradesh is hereby remits the unexpired residue of sentence of the life convict prisoner Sri Parimi Subba Rao, C.T.No.362, Central Prison, Nellore, subject to the following conditions :-

- a) The premature release shall be subject to execution of a Personal Bond of Rs. 50,000/- (Rupees Fifty thousand only) by the convict prisoner.
- b) The prisoner after release shall appear before the Probation Officer and Police Station concerned once in (3) months till the completion of unexpired portion of sentence.
- c) Re-arrest of the released prisoner duly cancelling of the remission granted in case he commits any criminal offence.

9. Further, this order of Special remission will be subject to the final orders that to be passed by Supreme Court of India in W.P (CrI.) No. 48/2014 filed by Union of India Vs V.Sriharan @ Murugan and Others.

10. The Director General of Prisons & Correctional Services, A.P., Vijayawada shall take necessary further action for the release of the said prisoner, duly obtaining the personal bond as prescribed in Annexure-I appended to this order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons & Correctional Services, Andhra Pradesh.
Gulabithota, Durgapuram, Vijayawada.
The Superintendents of Jails, Central Prison, Nellore.
Copy to :
The P.S to Chief Secretary to Government.
The P.S to Principal Secretary to Government, Home Dept.,
The P.S. to Dy.CM/M(Home).
The Law Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER